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Meeting of the Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters

Compliance Committee

Fifty-seventh meeting
Geneva, 27–30 June 2017

Report of the Compliance Committee on its fifty-seventh meeting

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Introduction

1. The fifty-seventh meeting of the Compliance Committee under the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) was held from 27 to 30 June 2017 in Geneva, Switzerland.

A. Attendance

2. Seven of the nine Committee members were present throughout the entire meeting. Committee member Áine Ryall was unable to attend the meeting in person but participated by audio link in several closed sessions. Committee member Jerzy Jendroška was absent for the second day of the meeting but was present for the rest of the meeting. Members having declared a conflict of interest with respect to particular cases did not participate in closed sessions deliberating on those cases.

3. Participating as observers during the open sessions on the first day of the meeting were representatives of the non-governmental organizations Earthjustice, which participated on behalf of the European ECO Forum, and INTLawyers.org (Switzerland).

B. Organizational matters

4. The Chair of the Compliance Committee, Jonas Ebbesson, opened the meeting.

5. The Committee adopted its agenda as set out in document ECE/MP.PP/C.1/2017/5.[1]

6. The Chair reported that, with a view to finalizing its findings and reports to be submitted to the sixth session of the Meeting of the Parties to the Convention (Budva, Montenegro, 11–13 September 2017), since its fifty-sixth meeting (Geneva, 28 February–3 March 2017), the Committee had held six virtual meetings. The virtual meetings had been held on 27 March, 11 April, 4 May, 18 May and 14 and 19 June 2017 in closed session.

I. Submissions, referrals and requests under the Convention

7. Concerning submission ACCC/S/2015/2 (Belarus), the Committee agreed that further questions should be sent to the submitting Party and the Party concerned to clarify a number of factual matters. The Committee agreed to proceed with its deliberations in the light of the information received, with a view to completing its draft findings and, as appropriate, recommendations. Once agreed, the draft findings and any recommendations would be sent for comment to the Party concerned and the submitting Party.

8. With respect to submission ACCC/S/2016/3 (Albania), the Committee noted that no new information had been received on the pending domestic proceedings. The Committee requested the secretariat to ask the Party concerned for an update and to inform the Party concerned that the Committee might decide to close the case if it had not received any new information prior to its fifty-eighth meeting (Budva, Montenegro, 10–13 September 2017).

9. Turning to possible referrals, the secretariat confirmed that it had made no referrals to the Committee since the Committee's fifty-sixth meeting.

[1] All documentation for the meeting is available on a dedicated web page (http://www.unece.org/index.php?id=45582).

10. With respect to Meeting of the Parties request ACCC/M/2014/1 (former Yugoslav Republic of Macedonia), the Committee noted that the Party concerned had provided its national implementation report for the fourth (2014) reporting cycle on 15 March 2017 in the Macedonian language and on 29 March 2017 in English. After taking into account the information received, the Committee had adopted its draft findings at its virtual meeting on 11 April 2017, which had then been forwarded to the Party concerned for its comments. After having taken into account the comments received from the Party concerned on 3 May 2017, the Committee had adopted its findings at its virtual meeting on 4 May 2017. The Committee confirmed the edited version of its findings (ECE/MP.PP/C.1/2017/8).

11. Concerning advisory request ACCC/A/2014/1 (Belarus), the Committee recalled that on 23 March 2017 the Party concerned had asked a minor point of clarification with respect to the Committee's draft recommendations. After having taken into account that clarification request, the Committee had adopted its recommendations through its electronic decision-making procedure on 18 June 2017. It had requested the secretariat to send the recommendations to the Party concerned and to prepare the recommendations as an official document for its fifty-eighth meeting, ensuring their availability in the three official languages of the United Nations Economic Commission for Europe (ECE).

II. Communications from members of the public

12. The Committee agreed that the deadline for the receipt of new communications to be considered for preliminary admissibility at its fifty-eighth meeting would be 6 August 2017.

13. Regarding communication ACCC/C/2008/32 (part II), the Committee confirmed the edited version of its findings (ECE/MP.PP/C.1/2017/7). The Committee also issued an open statement regarding its findings, which it requested the secretariat to make available on the web page for the meeting.

14. Concerning communication ACCC/C/2013/88 (Kazakhstan), the Committee recalled that it had adopted its findings through its electronic decision-making procedure on 19 June 2017 and had instructed the secretariat to send the adopted findings to the Party concerned and the communicant. It had also requested the secretariat to prepare the findings as an official document for the Committee's fifty-eighth meeting, ensuring their availability in the three official languages of ECE.

15. With respect to communication ACCC/C/2013/89 (Slovakia), the Committee noted that it had agreed at its virtual meeting of 27 March 2017 that the communicant's comments of 27 February 2017 on the comments of the Party concerned of 25 July 2016 would not be taken into account due to their very late nature. The secretariat had informed the parties of that decision by email of 30 March 2017. On 31 March 2017, the Party concerned had provided additional comments. By email of 4 April 2017, the secretariat had informed the Party concerned that, for reasons of fairness and due process, the Committee had decided that the comments received from the Party concerned would not be taken into account either. On 6 April 2017, the Committee had agreed its revised draft findings through its electronic decision-making procedure and the revised draft findings had thereafter been sent to the Party concerned and the communicants for their comments. On 21 April 2017, the communicants had informed the Committee that they had no comments on the revised draft findings. On 27 April 2017, the Party concerned had provided comments on the revised draft findings. After taking into account the comments received, the Committee had adopted its findings at its virtual meeting on 19 June 2017 and had instructed the secretariat to send the adopted findings to the Party concerned and the communicant. It had also requested the secretariat to prepare the findings as an official pre-session document for the

Committee's fifty-eighth meeting, ensuring their availability in the three official languages of ECE.

16. Concerning communication ACCC/C/2013/90 (United Kingdom of Great Britain and Northern Ireland), the Chair confirmed that the Committee had provisionally scheduled to hold a hearing to discuss the substance of the communication at its fifty-ninth meeting (Geneva, 11–15 December 2017).

17. With respect to communication ACCC/C/2013/91 (United Kingdom), the Committee noted that it had completed its draft findings through its electronic decision-making procedure on 8 May 2017. On 10 May 2017, the secretariat had sent the draft findings to the communicant and the Party concerned for their comments. After taking into account the comments received from the communicant on 6 June 2017 and from the Party concerned on 12 June 2017, the Committee had adopted its findings through its electronic decision-making procedure on 19 June 2017 and had instructed the secretariat to send the adopted findings to the Party concerned and the communicant. It had also requested the secretariat to prepare the findings as an official pre-session document for the Committee's fifty-eighth meeting, ensuring their availability in the three official languages of ECE.

18. With respect to communication ACCC/C/2013/92 (Germany), the Committee recalled that the Party concerned had provided some additional information. On 18 May 2017, the communicant had provided comments on the additional information provided by the Party concerned. After taking into account the comments and information received, the Committee had prepared revised draft findings and had completed them through its electronic decision-making procedure on 2 June 2017. It had requested the secretariat to forward the revised draft findings to the communicant and the Party concerned for their comments. The communicant and the Party concerned had then provided comments on 12 and 13 June, respectively. On 16 June 2017, the communicant had provided some additional comments regarding the comments of the Party concerned. After taking into account the comments received, the Committee had adopted its findings through its electronic decision-making procedure on 18 June 2017 and had instructed the secretariat to send the adopted findings to the Party concerned and the communicant. It had also requested the secretariat to prepare the findings as an official pre-session document for the Committee's fifty-eighth meeting, ensuring their availability in the three official languages of ECE.

19. Concerning communication ACCC/C/2013/93 (Norway), the Committee noted that the Party concerned had provided additional information on 23 March 2017. After taking into account this further information, it had finalized its draft findings at its virtual meeting on 27 March 2017 and had requested the secretariat to forward the draft findings to the communicant and the Party concerned for their comments. The communicant and the Party concerned had provided comments on the Committee's draft findings on 26 and 27 April 2017, respectively, and the communicant had provided additional comments on the comments of the Party concerned on 2 May 2017. After taking into account the comments received, the Committee had adopted its findings at its virtual meeting on 19 June 2017 and had instructed the secretariat to send the adopted findings to the Party concerned and the communicant. It had also requested the secretariat to prepare the findings as an official pre-session document for the Committee's fifty-eighth meeting, ensuring their availability in the three official languages of ECE.

20. Concerning communication ACCC/C/2013/96 (European Union), the Committee continued its deliberations in closed session and agreed to continue those deliberations at its next meeting, with a view to completing its draft findings and, as appropriate, recommendations. Once agreed, the draft findings and any recommendations would be sent for comment to the Party concerned and the communicant.

21. Concerning communication ACCC/C/2013/98 (Lithuania), the Committee agreed to send further questions to the Party concerned to clarify a number of factual matters and to continue with its deliberations in the light of the information received.

22. With respect to communication ACCC/C/2014/99 (Spain), the Committee recalled that it had agreed its revised draft findings at its virtual meeting on 27 March 2017 and had requested the secretariat to send the revised draft findings to the Party concerned and the communicant for their comment. The Party concerned and the communicant had provided comments on the revised draft findings on 19 and 20 April 2017, respectively. After taking into account the comments received, the Committee had adopted its findings at its virtual meeting on 19 June 2017 and had instructed the secretariat to send the adopted findings to the Party concerned and the communicant. It had also requested the secretariat to prepare the findings as an official pre-session document for the Committee's fifty-eighth meeting, ensuring their availability in the three official languages of ECE.

23. Concerning communication ACCC/C/2014/100 (United Kingdom), the Committee continued its deliberations in closed session and agreed to continue those deliberations at its next meeting with a view to completing its draft findings and, as appropriate, recommendations. Once agreed, the draft findings and any recommendations would be sent for comment to the Party concerned and the communicant.

24. With respect to communication ACCC/C/2014/101 (European Union), the Committee noted that it had completed its draft findings through its electronic decision-making procedure on 25 May 2017, which had thereafter been forwarded to the communicant and the Party concerned for their comments. The Party concerned had provided comments on 8 June 2017. On 13 June 2017, the communicant had indicated it had no comments. After taking into account the comments received, the Committee had adopted its findings through its electronic decision-making procedure on 18 June 2017 and had instructed the secretariat to send the adopted findings to the Party concerned and the communicant. It had also requested the secretariat to prepare the findings as an official pre-session document for the Committee's fifty-eighth meeting, ensuring their availability in the three official languages of ECE.

25. Regarding communication ACCC/C/2014/102 (Belarus), the Committee noted that, by letter of 8 May 2017, it had sent further questions to the communicant. The communicant had provided its reply on 11 May 2017. The Party concerned had provided comments on the communicant's reply on 18 May 2017. The Committee had prepared its draft findings in closed session and had completed them through its electronic decision-making procedure on 26 May 2017, forwarding them to the Party concerned and the communicant for their comments. The communicant and the Party concerned had provided comments on 13 and 15 June 2017, respectively. After taking into account the comments received, the Committee had adopted its findings through its electronic decision-making procedure on 18 June 2017 and had instructed the secretariat to send the adopted findings to the Party concerned and the communicant. It had also requested the secretariat to prepare the findings as an official pre-session document for the Committee's fifty-eighth meeting, ensuring their availability in the three official languages of ECE.

26. With respect to communication ACCC/C/2014/104 (Netherlands), the Committee recalled that it had sent questions to the Party concerned on 3 March 2017. On 16 March 2017, the Party concerned had provided its reply to the questions and on 11 April 2017, the communicant had provided its comments thereon. The Committee continued its deliberations in closed session, taking into account the information received, and agreed to continue those deliberations at its next meeting, with a view to completing its draft findings and, as appropriate, recommendations. Once agreed, the draft findings and any recommendations would be sent for comment to the Party concerned and the communicant.

27. Concerning communication ACCC/C/2014/105 (Hungary), the Committee continued its deliberations in closed session and agreed to continue those deliberations at its next meeting, with a view to completing its draft findings and, as appropriate, recommendations. Once agreed, the draft findings and any recommendations would be sent for comment to the Party concerned and the communicant.

28. Concerning communication ACCC/C/2013/106 (Czechia), the Committee recalled that on 8 June 2017 it had sent questions to the communicant and that on 23 June 2017 the communicant had provided its replies. Taking into account the information received, the Committee continued its deliberations in closed session and agreed to continue those deliberations at its next meeting, with a view to completing its draft findings and, as appropriate, recommendations. Once agreed, the draft findings and any recommendations would be sent for comment to the Party concerned and the communicant.

29. With respect to communication ACCC/C/2013/107 (Ireland), the Committee noted that on 10 March 2017 the Party concerned had provided its reply to the Committee's request of 20 February 2017 that it clarify which information contained in the communicant's comments of 28 November 2016 the Party considered should be redacted. On 8 June 2017, the communicant had provided comments on the reply from the Party concerned of 10 March 2017. After taking into account the information received, the Committee continued its deliberations on its draft findings in closed session and agreed to continue those deliberations at its next meeting, with a view to completing its draft findings and, as appropriate, recommendations. Once agreed, the draft findings and any recommendations would be sent for comment to the Party concerned and the communicant.

30. With respect to communication ACCC/C/2014/111 (Belgium), the Committee recalled that on 25 May 2017, using its electronic decision-making procedure, it had completed its draft findings, which had thereafter been sent to the Party concerned and the communicants for their comments. An observer, Professor Luc Lavrysen, had provided comments on 31 May 2017 and the communicants had provided comments on 12 June 2017. On 13 June 2017, the Party concerned had indicated that it had no comments. After taking into account the comments received, the Committee had adopted its findings through its electronic decision-making procedure on 18 June 2017 and had instructed the secretariat to send the adopted findings to the Party concerned and the communicant. It had also requested the secretariat to prepare the findings as an official pre-session document for the Committee's fifty-eighth meeting, ensuring their availability in the three official languages of ECE.

31. Concerning communication ACCC/C/2014/112 (Ireland), the Committee agreed to defer its deliberations on its draft findings until its fifty-ninth meeting, with a view to completing its draft findings and, as appropriate, recommendations.

32. With respect to communication ACCC/C/2014/113 (Ireland), the Committee agreed to defer its deliberations on its draft findings until its fifty-ninth meeting, with a view to completing its draft findings and, as appropriate, recommendations.

33. Concerning communication ACCC/C/2014/118 (Ukraine), the Chair noted that at its fifty-fourth meeting (Geneva, 27–30 September 2016), the Committee had requested the secretariat to ask the ECE Executive Secretary to write to the Minister of Foreign Affairs of the Party concerned, conveying the Committee's serious concern at the ongoing failure to respond to the communication and to inform the Party that if no response was received by the date stated in the reminder letter the Committee would schedule the hearing to discuss the substance of the communication notwithstanding the Party's lack of response. In the meantime, the Committee had received a letter from the communicant on 29 March 2017. The Chair stated that the letter of the ECE Executive Secretary would be sent as soon as possible.

34. Regarding communication ACCC/C/2014/119 (Poland), the Committee agreed to defer its deliberations on its draft findings until its fifty-ninth meeting, with a view to thereafter completing its draft findings and, as appropriate, recommendations, which once agreed would be sent for comment to the Party concerned and the communicant.

35. Concerning communication ACCC/C/2014/120 (Slovakia), the Committee agreed to defer its deliberations on its draft findings until its fifty-ninth meeting, with a view to thereafter completing its draft findings and, as appropriate, recommendations, which once agreed would be sent for comment to the Party concerned and the communicant.

36. Regarding communication ACCC/C/2014/121 (European Union), the Committee noted that, by the secretariat's letter of 4 November 2016, both parties had been invited to provide any final written submissions by 30 November 2016 and the communicant had provided its final written submissions on 5 December 2016. The secretariat reported that the Party concerned had informed it that it had sent its final written submissions on 15 February 2017, though they had not been received owing to a technical problem in their transmission. Once the failure in transmission had been discovered, the written submissions had been resent by the Party concerned on 30 March 2017. The Committee agreed to defer the commencement of its deliberations until its fifty-ninth meeting.

37. With respect to communication ACCC/C/2014/122 (Spain), the Committee provisionally scheduled that it would hold the hearing to discuss the substance of the communication at its fifty-ninth meeting.

38. Concerning communication ACCC/C/2014/123 (European Union), the Committee recalled that it had adopted its draft findings through its electronic decision-making procedure on 20 March 2017 and the secretariat had sent them to the Party concerned and the communicant on 21 March 2017 for their comments. The communicant had provided comments on 28 April 2017. No comments had been received from the Party concerned. After taking into account the comments received, the Committee had adopted its findings through its electronic decision-making procedure on 24 May 2017 and had instructed the secretariat to send the adopted findings to the Party concerned and the communicant. It had also requested the secretariat to prepare the findings as an official pre-session document for the Committee's fifty-eighth meeting, ensuring their availability in the three official languages of ECE.

39. Regarding communication ACCC/C/2014/124 (Netherlands), the Committee continued its deliberations in closed session and agreed to continue those deliberations at its next meeting, with a view to completing its draft findings and, as appropriate, recommendations. Once agreed, the draft findings and any recommendations would be sent for comment to the Party concerned and the communicant.

40. With respect to communication ACCC/C/2015/126 (Poland), the Committee provisionally scheduled that it would hold a hearing to discuss the substance of the communication at its fifty-ninth or sixtieth meeting.

41. Regarding communication ACCC/C/2015/128 (European Union), the Committee provisionally scheduled to hold a hearing to discuss the substance of the communication at its fifty-ninth or sixtieth meeting.

42. With respect to communication ACCC/C/2015/129 (Ireland), after taking into account the information received from the communicant on 8 December 2016 and 21 February 2017 and the comments from the Party concerned of 7 February 2017, the Committee determined the communication to be inadmissible. With respect to the allegations concerning article 6, the Committee determined those allegations to be inadmissible since the Committee considered that it had not been shown that the sale of the Kilcooley Abbey Forest amounted to a decision on a proposed activity within the scope of

article 6 of the Convention. Accordingly, those allegations were inadmissible under paragraph 20 (d) of the annex to decision I/7 for not being compatible with the provisions of the Convention. With regard to the allegations concerning article 9, the Committee determined those allegations to be inadmissible under paragraph 20 (d) and paragraph 21 of the annex to decision I/7 because the available domestic remedies had not been exhausted. The Committee instructed the secretariat to send a letter informing the communicant and the Party concerned of its decision.

43. Concerning communication ACCC/C/2015/130 (Italy), the Committee noted that it had agreed at its fifty-sixth meeting to send questions to the communicant and the Party concerned to obtain further information. The Committee agreed to decide how to proceed with the communication in the light of the replies received.

44. With respect to communication ACCC/C/2015/131 (United Kingdom), the Committee recalled that at its fifty-third meeting it had agreed to ask the communicant to comment on the submissions on admissibility made by the Party concerned in its response, including the extent to which her allegations regarding costs raised any issues that were not already being examined by the Committee in its review of the implementation of decision V/9n. The Committee agreed to decide how to proceed with the communication in the light of the communicant's comments.

45. Regarding communication ACCC/C/2015/132 (Ireland), the Committee noted that at its fifty-fourth meeting it had agreed to ask the communicant to comment on the submissions on admissibility made by the Party concerned in its response to the communication. The Committee agreed to decide how to proceed with the communication in the light of the comments received.

46. With respect to communication ACCC/C/2015/133 (Netherlands), the Committee recalled that at its fifty-fourth meeting it had agreed to send both the communicant and the Party concerned further questions concerning the availability of domestic remedies. The Committee agreed to decide how to proceed with the communication in the light of the replies received.

47. Concerning communication ACCC/C/2015/134 (Belgium), the Committee provisionally scheduled that it would hold a hearing to discuss the substance of the communication at its sixty-first or sixty-second meeting.

48. With respect to communication ACCC/C/2015/135 (France), the Committee provisionally scheduled that it would hold the hearing to discuss the substance of the communication at its sixty-first or sixty-second meeting.

49. Regarding communication ACCC/C/2016/137 (Germany), the Committee noted that at its fifty-sixth meeting it had agreed to send questions to the communicant concerning the availability of domestic remedies and that it would decide how to proceed in the light of the communicant's reply.

50. Concerning communication ACCC/C/2016/138 (Armenia), the Committee recalled that the response of the Party concerned, due on 27 February 2017, had been received on 28 February 2017. On 21 May 2017, the communicant had provided comments on the response of the Party concerned. The Committee provisionally scheduled that it would hold a hearing to discuss the substance of the communication at its sixty-second or sixty-third meeting.

51. Regarding communication ACCC/C/2016/139 (Ireland), the Committee noted that the response of the Party concerned to the communication had been received on time on 5 May 2017. In its response, the Party concerned had, inter alia, challenged the admissibility of the communication. The Committee provisionally scheduled that it would

hold a hearing to discuss the substance of the communication at its sixty-second or sixty-third meeting.

52. With respect to communication ACCC/C/2016/140 (Romania), the Committee noted that the response of the Party concerned, due on 6 May 2017, had been received on 17 May 2017. The Committee provisionally scheduled that it would hold a hearing to discuss the substance of the communication at its sixty-second or sixty-third meeting.

53. With respect to communication ACCC/C/2016/141 (Ireland), the Committee recalled that the response of the Party concerned had been received on time on 5 May 2017. The Committee provisionally scheduled that it would hold a hearing to discuss the substance of the communication at its sixty-second or sixty-third meeting.

54. Regarding communication ACCC/C/2016/142 (United Kingdom), the Committee noted that the communication had been forwarded to the Party concerned on 6 February 2017 for its response. It further noted that the deadline of 6 July 2017 for its response had not yet expired and the Party's response had not yet been received.

55. With respect to communication ACCC/C/2016/143 (Czechia), the Committee observed that the communication had been forwarded to the Party concerned on 6 February 2017 for its response. It further noted that the deadline of 6 July 2017 for its response had not yet expired and the Party's response had not yet been received.

56. Concerning communication ACCC/C/2016/144 (Bulgaria), the Committee noted that the communication had been forwarded to the Party concerned on 20 May 2017 for its response. It further noted that the deadline of 20 August 2017 for its response had not yet expired and the Party's response had not yet been received.

57. Regarding communications received between 24 January 2017 (the deadline for receipt of communications for the fifty-sixth meeting) and 23 May 2017 (the deadline for receipt of communications for the fifty-seventh meeting), the Chair reported that he and the Vice-Chair had held a telephone conference on 1 June 2017 to determine which of the communications received during that period sufficiently met the required format to be forwarded to the Committee for consideration as to their preliminary admissibility. In that regard, the Chair and the Vice-Chair had decided that none of the communications received were sufficiently in the required format to be forwarded to the Committee for consideration of preliminary admissibility at its fifty-seventh meeting.

III. Reporting requirements

58. The Committee noted that, at its fifth session, the Meeting of the Parties had urged those Parties that had not yet submitted their 2014 national implementation reports — i.e., Portugal, the former Yugoslav Republic of Macedonia and Turkmenistan — to do so by 1 October 2014 (See ECE/MP.PP/2014/2, para. 26). Portugal, Turkmenistan and the Yugoslav Republic of Macedonia had now all submitted their reports. As noted earlier, the former Yugoslav Republic of Macedonia had provided its report on 15 March 2017 in Macedonian and on 29 March 2017 in English (see para. 10).

IV. Follow-up on specific cases of non-compliance

59. The Committee took note of the developments since its fifty-sixth meeting with respect to decisions V/9a–n of the Meeting of the Parties, in particular the information received from each Party concerned on the measures it had taken to implement the decision concerning its compliance as well as the comments received from the communicants and observers on those measures. The Chair informed the meeting that the Committee was

expected to finalize its reports to the sixth Meeting of the Parties on decisions V/9a–n either during the Committee's meeting or shortly thereafter.

60. With respect to decision V/9a (Armenia), the Committee recalled that, by email of 16 March 2017, it had requested additional information from the Party concerned. The Party concerned had provided additional information on 12 April 2017 and an observer, Ecological Right, had provided comments by letter of 21 May 2017. The Party concerned had provided further information by emails of 12 and 16 June 2017. The Committee continued the preparation of its report to the sixth session of the Meeting of the Parties on the implementation of decision V/9a in closed session and agreed to complete it through its electronic decision-making procedure after the meeting.

61. Regarding decision V/9b (Austria), the Committee noted that, by email of 16 March 2017, it had requested additional information from the Party concerned. The Party concerned had provided additional information on 30 March 2017 and further updates on 22 May and 21 June 2017. The Committee continued the preparation of its report to the sixth session of the Meeting of the Parties on the implementation of decision V/9b in closed session and agreed to complete it through its electronic decision-making procedure after the meeting.

62. Concerning decision V/9c (Belarus), the Committee recalled that on 28 March 2017 the Party concerned had provided the texts of legislative measures adopted to implement decision V/9c. After taking into account the information received, on 31 March 2017 through its electronic decision-making procedure the Committee had adopted its second progress review, which had been sent to the Party concerned on 4 April 2017. On 4 May 2017, the Party concerned had provided further information as to its implementation of decision V/9c. After taking into account the information received, the Committee continued the preparation of its report to the sixth session of the Meeting of the Parties on the implementation of decision V/9c in closed session and agreed to complete it through its electronic decision-making procedure after the meeting.

63. With respect to decision V/9d (Bulgaria), the Committee noted that it had not received any further information from the Party concerned since its fifty-sixth meeting. After taking into account the information received, the Committee finalized and adopted its report to the sixth session of the Meeting of the Parties on the implementation of decision V/9d in closed session.

64. Concerning decision V/9e (Croatia), the Committee noted that it had not received any further information from the Party concerned since its fifty-sixth meeting. The Committee agreed to finalize its report to the sixth session of the Meeting of the Parties on the implementation of decision V/9e through its electronic decision-making procedure after the meeting.

65. Regarding decision V/9f (Czechia), the Committee recalled that on 17 March 2017 it had asked the Party concerned to provide translations of certain provisions of national legislation and the Party concerned had done so on 22 March 2017. On 31 March 2017 the communicant had provided the text of a relevant court judgment, and on 3 April 2017 the Party concerned had further provided additional information on the measures it had taken to implement decision V/9f. After taking into account the information received, the Committee continued its preparation of its report to the sixth session of the Meeting of the Parties on the implementation of decision V/9f in closed session and agreed to complete it through its electronic decision-making procedure after the meeting.

66. With respect to decision V/9g (European Union), the Committee noted that on 16 May 2017 the Party concerned had provided further information on the measures taken to implement decision V/9g. The communicant of communication ACCC/C/2010/54 had provided comments thereon on 21 May 2017. The Committee had finalized and adopted its

report to the sixth session of the Meeting of the Parties on the implementation of decision V/9g through its electronic decision-making procedure on 7 June 2017.

67. Regarding decision V/9h (Germany), the Committee recalled that, on 15 March 2017 the Party concerned had provided further information. An observer, European ECO Forum, had provided comments on 28 March 2017. The Party concerned had provided updates on the progress to adopt legislation relevant to the implementation of decision V/9h on 31 March, 26 and 28 April, 5 and 16 May and 2 June 2017. After taking into account the information received, the Committee continued its preparation of its report to the sixth session of the Meeting of the Parties on the implementation of decision V/9h in closed session and agreed to complete it through its electronic decision-making procedure after the meeting.

68. Concerning decision V/9i (Kazakhstan), the Committee noted that the Party concerned had provided further information on the steps it had taken to implement decision V/9i on 30 March 2017. After taking into account the information received, the Committee continued its preparation of its report to the sixth session of the Meeting of the Parties on the implementation of decision V/9i in closed session and agreed to complete it through its electronic decision-making procedure after the meeting.

69. With respect to decision V/9j (Romania), the Committee recalled that the Party concerned had provided further information on its implementation of decision V/9j on 31 March 2017. After taking into account the information received, the Committee finalized and adopted its report to the sixth session of the Meeting of the Parties on the implementation of decision V/9j in closed session.

70. Regarding decision V/9k (Spain), the Committee noted that it had not received any further information from the Party concerned since its fifty-sixth meeting. The Committee had finalized and adopted its report to the sixth session of the Meeting of the Parties through its electronic decision-making procedure on 26 June 2017.

71. With respect to decision V/9l (Turkmenistan), the Committee agreed to finalize and adopt its report to the sixth session of the Meeting of the Parties on the implementation of decision V/9l through its electronic decision-making procedure after the meeting.

72. Concerning decision V/9m (Ukraine), the Committee recalled that on 15 June 2017 the Party concerned had provided an update on the adoption of its law "On environmental impact assessment" and the communicant of communication ACCC/C/2004/3 had submitted its comments thereon on the same day. On 22 June 2017, the Party concerned had provided the text of the law as adopted, together with an English translation thereof. By letter of 25 June 2017, the Committee had invited the communicant of communication ACCC/C/2013/87 to provide his comments on the extent to which he considered that the new law met the requirements of the Convention. The communicant of communication ACCC/C/2013/87 provided his comments on 28 June 2017. After taking into account the information received, the Committee continued its preparation of its report to the sixth session of the Meeting of the Parties on the implementation of decision V/9m in closed session and agreed to complete it through its electronic decision-making procedure after the meeting.

73. With respect to decision V/9n (United Kingdom), the Committee noted that the observer the Royal Society for the Protection of Birds (RSPB) had provided comments on 27 February 2017. On 1, 2 and 6 March 2017, respectively, the communicant of communication ACCC/C/2012/68 (Ms. Metcalfe), the observers RSPB and Friends of the Earth, and the observer Richard Buxton Environment and Public Law (also representing the communicants of communications ACCC/C/2008/23 and ACCC/C/2013/86) had provided written versions of the statements they had prepared for the Committee's fifty-sixth meeting. On 7 March, 1 April and 2 April 2017, the communicant of communication

ACCC/C/2008/33 (ClientEarth) and the observers RSPB and Friends of the Earth, the observer John Muir Trust and the communicant of communication ACCC/C/2012/68 (Ms. Metcalfe) had provided further statements. The Party concerned had provided its third progress report, due on 31 October 2016, on 3 April 2017 and a brief clarification in that regard on 11 April 2017. On 21, 24, 25 and 28 April and on 7 May 2017, the communicant of communication ACCC/C/2008/33 (Mr. Latimer), the communicant of communication ACCC/C/2008/33 (ClientEarth) and the observers Friends of the Earth, RSPB and C&J Black Solicitors (both jointly and separately), the observer Ms. Crosthwaite and the communicant of communication ACCC/C/2012/68 (Ms. Metcalfe) had provided their comments on the third progress report of the Party concerned. On 26 May 2017, the Committee had received a further statement and information from the observer John Muir Trust. On 15 June 2017, the Party concerned had further provided its reply to questions put to it at the fifty-sixth meeting by the communicant of communication ACCC/C/2008/33 (ClientEarth) and the observers RSPB and Friends of the Earth, which had provided their comments thereon on 21 June 2017. On 17 June 2017, the communicant of communication ACCC/C/2008/33 (Mr. Latimer) had also provided further information. After taking into account the information received, the Committee continued its preparation of its report to the sixth session of the Meeting of the Parties on the implementation of decision V/9n in closed session and agreed to complete it through its electronic decision-making procedure after the meeting.

V. Programme of work and calendar of meetings

74. The Committee agreed to hold its fifty-eighth meeting from 10 to 13 September 2017 in Budva, Montenegro, in parallel with the sixth session of the Meeting of the Parties. It agreed to hold its fifty-ninth meeting from 11 to 15 December 2017 in Geneva.

VI. Other business

75. The secretariat reported that the deadline for proposing candidates for the election of new Compliance Committee members at the sixth session of the Meeting of the Parties had passed on 19 June 2017 and that the list of candidates would shortly be published on the website of the sixth session of the Meeting of the Parties.

76. The secretariat further reported that two representatives of the secretariat had taken part in an expert consultation on children's rights and the environment organized by the United Nations Special Rapporteur on human rights and the environment on 22 and 23 June 2017.

77. The Chair informed the Committee that he, together with Committee member Alistair McGlone and a representative of the secretariat had, at the invitation of the European Union, participated in a session of the Working Party on International Environmental Issues of the Council of the European Union on 22 March 2017. The purpose of the session had been to answer any questions from European Union member States concerning the content of the Committee's findings on communication ACCC/C/2008/32 (part II).

78. The Chair also informed the Committee of his participation in the Baltic Sea Future Conference in Stockholm on 6 and 7 March 2017 and at a seminar entitled "Access to Justice on Environmental Matters", at the Faculty of Law of the University of Barcelona, Spain, on 21 April 2017.

79. Mr. McGlone informed the Committee of his involvement in a project of the United Nations Environment Programme regarding civil society participation in ocean governance

in Africa and also of his consultancy work for the secretariat of the Montreal Protocol on Substances that Deplete the Ozone Layer on measures to enhance the transparency of the bodies to the Protocol.

80. Mr. Jendroška reported on his participation at the sixth meeting of the negotiating committee of the regional agreement on access to information, participation and justice in environmental matters in Latin America and the Caribbean, which had been held in Brasilia from 20 to 24 March 2017.

81. A representative of the secretariat of the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention) informed the Committee of the outcomes of the seventh session of the Meeting of the Parties to the Espoo Convention (Minsk, 13–16 June 2017). Mr. Jendroška also reported on his participation at the meeting.

82. A representative of Earthjustice, speaking on behalf of European ECO Forum, informed the Committee that, at its thirty-fifth session (Geneva, 6–23 June 2017), the Human Rights Council had adopted resolutions 35/20 on human rights and climate change and 35/17 on the protection of the human rights of migrants. Also, a first global scientific assessment of the impacts of climate change on coral reefs on the World Heritage List had been published by the United Nations Educational, Scientific and Cultural Organization (UNESCO).[2]

83. A representative of INTLawyers.org (Switzerland) delivered a statement presenting the organization's concerns about a lack of transparency and public participation in the work of the Human Rights Council on human rights and climate change.[3] It also expressed concern about the decision by the Chair of the twenty-first session of the Conference of the Parties to the United Nations Framework Convention on Climate Change (UNFCCC), held in Paris from 30 November to 12 December 2015, to exclude observers from contact groups, in contradiction to an earlier undertaking by the Co-Chairs of the Ad Hoc Working Group on the Paris Agreement that the contact groups at the session of the Conference to the Parties would be open to observers. It also reported on the difficulties it had faced in its unsuccessful attempts to challenge the above decision by the Chair of the Conference of the Parties in the French courts. INTLawyers.org was further disappointed at the alleged actions of several Parties to UNFCCC that it submitted had hindered transparency in the sessions of the UNFCCC governing body, in contravention of those Parties' obligations under the Aarhus Convention. The representative finally expressed the hope that possible future communications on those matters would be taken seriously by the Committee.

VII. Report and closure of the meeting

84. The Committee agreed to adopt its report through its electronic decision-making procedure after the meeting. The Chair then officially closed the fifty-seventh meeting.

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[2] Scott F. Heron and others, *Impacts of Climate Change on World Heritage Coral Reefs: A First Global Scientific Assessment* (Paris, UNESCO World Heritage Centre, 2017). Available from http://climateobserver.org/reports/impacts-climate-change-world-heritage-coral-reefs/.

[3] The statement is available on the web page for the meeting.